

IN PIMA COUNTY SUPERIOR COURT

FILED
GARY L. HARRISON
CLERK, SUPERIOR COURT

2019 JAN -7 AM 9:26

AFFIDAVIT FOR SEARCH WARRANT

19SW0038

No. WANDELL, DEPUTY

YOUR AFFIANT, **Special Agent Cullen Conerly**, A PEACE OFFICER IN THE STATE OF ARIZONA AND EMPLOYED BY THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION, BEING FIRST DULY SWORN, UPON OATH, DESPOSES AND SAYS:

From or about the 19th day of March 2018 to December 1st, 2018 a public offense in violation of Arizona Revised Statutes:

- A.R.S. 13-1003, Conspiracy, a Class 2 Felony,
- A.R.S. 13-2312, Illegally Conducting an Enterprise, a Class 3 Felony,
- A.R.S. 13-2317(B)(1), Money Laundering In The Second Degree, a Class 3 Felony,
- A.R.S. 13-3407(A)(7), Transport For Sale, Import Into This State or Offer To Transport For Sale or Import Into This State, Sell, Transfer, or Offer To Sell Or Transfer A Dangerous Drug, a Class 2 Felony(Eight Counts),
- A.R.S. 13-3408(A)(7), Transport For Sale, Import Into This State or Offer To Transport For Sale or Import Into This State, Sell, Transfer, or Offer To Sell Or Transfer A Narcotic Drug, a Class 2 Felony(Two Counts),
- A.R.S. 13-3417(A), Use of a Wire Communication, a Class 6 Felony,

Was or is being committed in the County of Cochise and County of Pima, State of Arizona.

YOUR AFFIANT (has probable cause to believe) that:

{X} on the person(s) of:

- Timothy Francis HENRY, DOB 01/07/1969, 5'8", 220 pounds, Brown hair, Brown eyes, SSN [REDACTED]-7084

{X} in and upon the premises (including all buildings, structures, rooms, equipment, and vehicles used in connection or located within the curtilage of said premises) known and described as:

- 6142 East Central Avenue, Sierra Vista, Arizona 85635 is a light brown mobile home single story residence. The front door faces North and the numbers "6142" are affixed to the northwest corner of the residence. The residence has a tan cover combined with green plastic fixed to a chain linked fence, approximately six feet in height. The residence also has a security gate made of a chain link fence that has green plastic attached to it. The security gate has three signs attached to it, one sign displays "Beware of dog". The residence is located on the South side of East Central Avenue and is the fifth residence to the west from North Central Avenue. ***SEE ATTACHMENT B***

{ } in vehicle(s) described as:

There is certain person (s), property or things

{X} is the subject of an outstanding arrest warrant and/or is wanted for the above mentioned charges

{ } Which are stolen or embezzled

{X} Which were used as means for committing a public offense

{X} Which are being possessed with intent to use as a means of committing a public offense

{ } Which are in the possession of to whom it was delivered for the purpose of concealing it or preventing it from being discovered

{X} which consists of any item or constitutes any evidence which tends to show that a public offense has been committed such as being more fully described in the affidavit.

That said property or things are described as follows:

"SEE ATTACHMENT A"

That the following facts establish probable cause for believing that grounds for the issuance of a search warrant for the aforementioned items/persons exists:

Since January, 2018, Special Agents from the Drug Enforcement Administration (DEA) Sierra Vista Resident Office (SVRO) have been working a joint investigation with the Cochise County Sheriff's Office (CCSO) and the Arizona Department of Public Safety (DPS) into the Timothy Francis HENRY Transnational Criminal Organization (TCO). On March 19, 2018 and March 22, 2018, Special Agent (SA) William Cordero acting in undercover capacity (UC-1) conducted a recorded phone call with HENRY and coordinated a drug deal for one (1) pound of methamphetamine for \$3,000 in United States Currency (USC).

On March 30, 2018, agents and detectives from the SVRO, Nogales District Office (NDO), and CCSO conducted surveillance on HENRY leaving his residence located at 6142 East Central Avenue, Sierra Vista, Arizona 85635 and subsequently followed him to Tucson. On the same date, HENRY sold one (1) pound of methamphetamine to UC-1 for \$3,000 USC at the TTT Truck Stop located at 5451 East Benson Highway, Tucson, Arizona 85756.

On July 2, 2018, agents obtained Pima County Superior Court Order 18-WT-0001 authorizing the interception of wire communications to and from phone number (520) 220-9360 (Target Telephone One or TT-1) used by HENRY.

Prior to signing Pima County Superior Court Order (18-WT-0001), authorizing the initial interception of wire communication to and from TT-1 utilized by HENRY, agents identified phone number (940) 261-1216 as a frequent contact of TT-1. On January 11, 2018, agents obtained the results of administrative subpoena KL-18-240338 to Verizon Wireless. The results of the subpoena indicated that (940) 261-1216 was subscribed to Shalmarie TULK with an address of 3096 W Williams Rd., Benson, Arizona 85602 with an activation date of October 7, 2014.

On July 8, 2018, at approximately 5:17 p.m., reference call session 1536, HENRY, using TT-1, received an incoming call from TULK. During the call, TULK asked HENRY if she could come to see him, which HENRY confirmed. TULK asked for, "two," which HENRY acknowledged. On the same date, at approximately 7:49 p.m., reference call session 1543, TULK sent HENRY a text message which read, "I need for please and the 4th one split in half on my way." Agents reviewed pole camera footage monitoring HENRY's residence and observed a black sedan park directly in front of HENRY's security gate at approximately 8:26 p.m. Agents observed the front driver's side door of the black sedan open and an unknown subject walk towards HENRY's residence. At approximately 8:34 p.m., the pole camera footage shows the black sedan backing away from HENRY's gate and driving away from the residence. The pole camera footage was difficult to see due to the nighttime conditions around 8:30 p.m. Your Affiant believes the black sedan was the same black BMW, bearing AZ license plate CEM3589, registered to Shalmarie TULK with an address of 3096 W Williams Rd., Benson, AZ 85602, that agents previously observed at HENRY's house being driven by Shalmarie TULK on April 6, 2018.

On July 10, 2018, at approximately 3:35 p.m., reference call session 4753, HENRY received a call from a female, believed to be Charity SCUDELLA, using phone number (520) 249-8109. During the call, SCUDELLA asked HENRY if he researched a welder that she had to trade. SCUDELLA said the welder was worth \$300.00 and a "guy" wanted, "a seven" in exchange for the welder. HENRY acknowledged SCUDELLA and stated that he knew what she was referencing. SCUDELLA said they would come over in the guy's car. HENRY acknowledged and said he would come outside.

On the same date, at approximately 3:52 p.m., via the pole camera, agents observed a gray Chevrolet pickup truck, bearing Arizona license plate G1920, pull up in front of HENRY's residence. SCUDELLA exited the passenger side of the Chevy pickup and walked over to HENRY, who was already outside. Agents observed HENRY remove a large black item from the rear of the pickup truck which agents believed to be the welder being referenced in call session 4753. A heavyset Hispanic male, later identified as Jose PRO, exited the front driver's seat and also made contact with HENRY. HENRY,

PRO, and SCUDELLA remained outside of the Chevy pickup truck for approximately three minutes before PRO and SCUDELLA returned to the pickup truck and departed HENRY's residence.

Cochise County Sheriff's Office Deputy Ray McNeely conducted a traffic stop on the Chevy pickup truck as it left HENRY's residence and approached Giulio Cesare Ave. on Arizona Highway 90. The Chevy pickup truck took an unusually long time to stop and Deputy McNeely observed the front seat passenger to be making excessive furtive movements at the time of the stop. The driver, PRO, granted McNeely consent to search the vehicle where McNeely observed an open Bud Light can that was cold to the touch and half-full. Deputy McNeely asked PRO why it took so long for him to pull over, to which PRO responded that SCUDELLA was hiding a bag of crystal methamphetamine on her person. During the traffic stop SCUDELLA provided an incorrect name of Charity Hudson and only corrected her name to Charity SCUDELLA when she heard over the Deputy's radio that Hudson did not yield a positive result. SCUDELLA was placed under arrest for Spirituous Liquor in Motor Vehicle and False Reporting to a Law Enforcement Officer. Upon arrival to the Bisbee Detention Facility a female detention officer discovered a clear baggie containing 3.9 grams of crystal methamphetamine hidden in SCUDELLA's bra area. SCUDELLA was booked into Bisbee Detention Facility for Possession of Dangerous Drugs, Possession of Drug Paraphernalia, Promoting Prison Contraband, Spirituous Liquor in Motor Vehicle, and False Reporting to a Law Enforcement Officer. Your Affiant believes that when SCUDELLA asked for, "a seven" SCUDELLA was ordering seven grams of crystal methamphetamine. Your Affiant believes it is possible that the, "seven" was split into two bags, each weighing approximately 3.5 grams, and that one of the baggies was destroyed or hidden before law enforcement was able to detain PRO and SCUDELLA.

Following SCUDELLA's traffic stop, at approximately 6:03 p.m., reference call session 4799, a male believed to be Jamie LEZA, utilizing phone number (520) 226-1145, sent HENRY a text message which read, "Call now bro 911." HENRY then immediately called LEZA, reference call session 4801, who

explained that someone who dropped off a welder at his house got pulled over and was arrested.

LEZA stated the other person that was with her just came to LEZA's house and explained that they got pulled over by three Cochise County Deputies immediately after leaving HENRY's house. HENRY asked if she had it down her pocket, to which LEZA responded that he thinks she hid it on her. LEZA warned HENRY to be careful. At approximately 6:13 p.m., reference call session 4803, HENRY called his girlfriend, Catherine HAMNES, and stated that he did not want to talk on the phone but had no choice. HENRY explained that his baby's mother and a guy from prison came to his house with a welder to give to HENRY. He just got a call and was told they were pulled over by a Raptor truck and arrested her but let the other guy go. HAMNES asked HENRY to be careful. HENRY was extremely nervous throughout the call and was worried that she was going to provide the police information regarding HENRY's drug trafficking activities. HENRY told HAMNES that if something happened he needs her to come down immediately to shut his house down and watch it.

On the same date, at approximately 7:55 p.m., reference call session 4831, HENRY received a phone call from an unknown male utilizing phone number (520) 249-2390. The unknown male asked HENRY if he closed his door and wasn't going to do it anymore. At approximately 8:05 p.m., reference call session 4835, HENRY received a phone call from an unknown male utilizing phone number (520) 508-1580. HENRY informed the unknown male that he was home but that it wasn't a good time for him to come over.

On August 1, 2018, at approximately 7:10 p.m., TULK sent HENRY a text message which read, "I need 6 please." HENRY asked, "Who is this" to which TULK replied, "Are you really going to make me spell my name Tulk." At approximately 7:28 p.m., HENRY called TULK and asked where she was. TULK told HENRY that she was in Huachuca City eating tacos. HENRY told TULK to come straight to his house from there. TULK agreed and told HENRY once again that she needed, "six" which HENRY affirmed. Agents reviewed the dark, nighttime footage from the pole camera monitoring HENRY's

residence and observed the front headlights of a dark colored car arrive in front of HENRY's residence at approximately 8:07 p.m. Agents observed an unknown person walk from the vicinity of the parked car and into HENRY's property through his opened security gate. At approximately 8:13 p.m., agents observed an unknown subject walk out of HENRY's property. A few seconds later the headlights on the dark colored sedan, consistent with TULK's BMW, became illuminated and the vehicle drove eastbound on E Central Avenue as it left HENRY's residence, crossing through the pole camera's field of view.

On August 12, 2018, reference call session 9261, Jennifer PHILLIPS, using telephone number (520) 255-4841, texted HENRY over TT-1. The text read, "Hi Tim can i get 7 plz." HENRY responded yes and told her to text him when she got there. PHILLIPS sent HENRY an additional text message, reference call session 9271, which read, "Can you put 5 in one and 2 in another plz." On the same date, at approximately 4:22 p.m., reference call session 9277, PHILLIPS sent HENRY a text message which read, "I'm here." SA Larson reviewed the pole camera footage and observed the same white Dodge sedan arrive at HENRY's residence on August 12, 2018, at approximately 4:23 p.m.


Following the end of the period of intercepted wire communications of TT-1, agents have continued to review the pole camera footage from the pole camera monitoring 6142 East Central Avenue, Sierra Vista, Arizona. Agents have observed the same ongoing patterns of activity with numerous vehicles coming to HENRY's residence for short periods of time on a nearly daily basis. Detectives from the Cochise County Sheriff's Office and the Sierra Vista Police Department have received information from several reliable sources of information indicating that HENRY is still actively engaged in the sale of methamphetamine and heroin from his residence. On December 1, 2018, UC-1 placed a phone call to HENRY and inquired if he would still be able to purchase at least one kilogram of heroin from HENRY. HENRY told UC-1 that "everything is good here" and asked that UC-1 call him at least two days prior to traveling to Arizona so that HENRY can order the heroin for UC-1.

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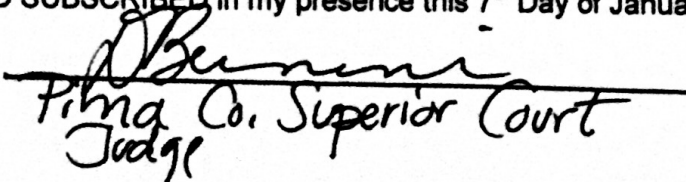
Your Affiant believes there is just and probable cause that HENRY possesses items of evidentiary value inside 6142 East Central Avenue, Sierra Vista, Arizona 85635 as listed above, that proves he is indeed engaged in the sales of methamphetamine. Your Affiant believes that HENRY currently resides at 6142 East Central Avenue and that there will be additional information pertaining to HENRY's involvement in the Transnational Criminal Organization (TCO) involving HENRY, TULK, and PHILLIPS inside the residence.

Your Affiant knows, from prior training and experience in investigating drug crimes, that the aforementioned facts and circumstances show that HENRY is actively engaged in the offering of sales of methamphetamine. Further, your Affiant knows that a person who sells methamphetamine typically is engaged in the sales or use of other illicit drugs, to include but not limited to Marijuana, Cocaine, and/or Heroin. Further, your Affiant knows that persons who engage in illegal sales or use of illegal drugs often possess firearms in which are utilized to protect their drugs and proceeds from persons who wish to forcefully steal from the drug dealer.

Your Affiant requests a daytime warrant be granted for Timothy Francis HENRY DOB 01/07/1969, 6142 East Central Avenue, Sierra Vista, Arizona 85635, and all buildings and vehicles found within the curtilage of the property. Your Affiant requests a search warrant be issued commanding a search be made of the persons, premises, buildings, and vehicles described herein for the property, persons and things herein described, and the same be retained in the custody of the Affiant or in the custody of the agency which the Affiant represents and disposed of according to law, pursuant to A.R.S. 13-3920.


Special Agent Cullen Conerly
Peace Officer for the State of Arizona

SWORN TO AND SUBSCRIBED in my presence this 7th Day of January, 2019


Pima Co. Superior Court
Judge